United Nations S/2005/661

Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions and statements of its President relating to the situation in Côte d'Ivoire,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of State on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, the Agreement signed in Accra on 30 July 2004 (the Accra III Agreement) and the Agreement signed in Pretoria on 6 April 2005 (the Pretoria Agreement),

Reaffirming that the Linas-Marcoussis, Accra III and Pretoria Agreements remain the appropriate framework for the peaceful and lasting solution to the crisis in Côte d'Ivoire,

Having taken note of the decision of the Peace and Security Council of the African Union adopted at its 40th meeting at the level of the Heads of State and Government held on 6 October 2005 in Addis Ababa ("the decision of the Peace and Security Council") (S/2005/639),

Having taken note also of the creation of an International Working Group at ministerial level ("the International Working Group") and of a day-to-day mediation undertaken by representatives of the international working group ("the Mediation Group"),

Having heard on 13 October 2005 a briefing by the Minister of Foreign Affairs of Nigeria and the Commissioner for Peace and Security of the African Union on behalf of the African Union, the Special Representative of the Secretary-General and the High Representative for elections,

Expressing its serious concern at the persistence of the crisis and the deterioration of the situation in Côte d'Ivoire,

Reiterating its firm condemnation of all violations of human rights in Côte d'Ivoire,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

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Acting under Chapter VII of the Charter of the United Nations,

1. *Commends* the continued efforts of the African Union, in particular President Olusegun Obasanjo of Nigeria, Chair of the African Union, and President Thabo Mbeki of the Republic of South Africa, Mediator of the African Union, the Economic Community of West African States (ECOWAS) and the leaders of the region to promote peace and stability in Côte d'Ivoire, and *reiterates* its full support for them;

2. *Commends also* the constant efforts of the Special Representative of the Secretary-General, Mr. Pierre Schori, and of the High Representative for the elections, Mr. Antonio Monteiro, and *reiterates* its full support for them, including for the arbitration and certification role of the High Representative for elections;

3. *Reaffirms* its endorsement of the observation of ECOWAS and of the Peace and Security Council on the end of the mandate of President Laurent Gbagbo on 30 October 2005 and the impossibility of organizing presidential elections on the scheduled date, and of the decision of the Peace and Security Council, including its decision on the fact that President Gbagbo shall remain Head of State from 31 October 2005 for a period not exceeding 12 months, and *demands* that all the parties signatories to the Linas-Marcoussis, Accra III and Pretoria Agreements as well as all the Ivorian parties concerned implement it fully and without delay;

4. *Supports* the establishment of the International Working Group at a ministerial level and the Mediation Group, which should both be co-chaired by the Special Representative of the Secretary-General, *urges* the international working group to meet as soon as possible, and *affirms* that the secretariat of the international working group shall be coordinated by the United Nations, in accordance with paragraph 10, article (vi) of the decision of the Peace and Security Council;

5. *Urges* the Chairperson of the African Union, the Chairperson of ECOWAS and the African Union Mediator to consult immediately with all the Ivorian parties in order to ensure that a new Prime Minister acceptable to all the Ivorian parties signatories to the Linas-Marcoussis Agreement shall be appointed by 31 October 2005, in accordance with paragraph 10, article (ii) of the decision of the Peace and Security Council, and to maintain close contact with the Secretary-General throughout the process;

6. *Expresses* its full support for paragraph 10, article (iii) of the decision of the Peace and Security Council which stresses that the Ministers shall be accountable to the Prime Minister who shall have full authority over his or her cabinet;

7. *Reiterates* the importance of having all ministers to participate fully in the Government of National Reconciliation as underscored in the statement by its president dated 25 May 2004 (S/PRST/2004/17), *considers* therefore that, when a minister is not participating fully in the Government of National Reconciliation, his or her portfolio should be assumed by the Prime Minister and *requests* the International Working Group to monitor closely the situation in this regard;

8. *Stresses* that the Prime Minister must have all the necessary powers according to the Linas-Marcoussis Agreement and all the governmental financial, material and human resources, particularly with regard to security, defence and electoral matters, to ensure the effective functioning of the Government, to guarantee security and the redeployment of the administration and public services

throughout the territory of Côte d'Ivoire, to lead the programme of disarmament, demobilization and reintegration (DDR) and the operations of disarmament and dismantling of militias, and to ensure the fairness of the identification process and of voter registration, leading to the organization of free, open, fair and transparent elections, with the support of the United Nations;

9. *Calls upon* all Ivorian parties to ensure that the Prime Minister has all powers and resources described in paragraph 8 above and faces no hindrance or difficulty in implementing his tasks;

10. *Requests* the International Working Group, on the basis of paragraph 10, articles (iii) and (v) of the decision of the Peace and Security Council, to verify that the Prime Minister has all the necessary powers and resources described in paragraph 8 above and immediately to report to the Security Council any hindrance or difficulty which the Prime Minister may face in implementing his tasks and to identify those responsible;

11. *Invites* the International Working Group, noting that the mandate of the National Assembly will end by 16 December 2005, to consult with all the Ivorian parties, in liaison as appropriate with the Forum for National Dialogue as referred to in paragraph 11 of the decision of the Peace and Security Council, with a view to ensure that the Ivorian institutions function normally until the holding of the elections in Côte d'Ivoire, and to keep the Security Council and the Peace and Security Council of the African Union informed in that regard;

12. *Considers*, as noted by the Peace and Security Council in paragraph 9 of its decision, that additional measures are required to expedite the implementation of some provisions of the Linas-Marcoussis, Accra III and Pretoria Agreements, in particular the DDR process, the dismantling and disarmament of militias and the creation of conditions for holding free, fair, open and transparent elections, including the identification process and the registration of voters;

13. *Requests* therefore the International Working Group to draw up as soon as possible a road map in consultation with all Ivorian parties, with a view to hold free, fair, open and transparent elections as soon as possible and no later than 31 October 2006, concerning in particular:

(a) The appointment of a new Prime Minister as provided for in paragraph 5 above;

(b) The implementation of all outstanding issues as referred to in paragraph 12 above, recalling in this regard that the concomitant implementation of the identification process and of the cantonment of the forces, as provided for in the national programme for disarmament, demobilization, reinsertion and rehabilitation signed in Yamoussoukro on 14 May 2005, would expedite the creation of conditions for holding free, fair, open and transparent elections;

14. *Demands* that the Forces nouvelles proceed without delay with the DDR programme in order to facilitate the restoration of the authority of the State throughout the national territory, the reunification of the country and the organization of the elections as soon as possible;

15. *Affirms* that the identification process must also start without delay;

16. *Demands* that all Ivorian parties stop all incitement to hatred and violence in radio and television broadcasting as well as in any other media;

17. *Demands* also the immediate disarmament and dismantling of militias throughout the national territory;

18. *Recalls* paragraphs 5 and 7 of the decision of the Peace and Security Council, and *demands* that all Ivorian parties refrain from any use of force and violence, including against civilians, and foreigners, and from all kinds of disruptive street protests;

19. *Urges* countries neighbouring Côte d'Ivoire to prevent any cross-border movement of combatants or arms into Côte d'Ivoire;

20. *Reiterates* its serious concern at all violations of human rights and international humanitarian law in Côte d'Ivoire, and *urges* the Ivorian authorities to investigate these violations without delay in order to put an end to impunity;

21. *Condemns* the serious attacks against the personnel of the United Nations Operation in Côte d'Ivoire (UNOCI) and the unacceptable obstacles to the freedom of movement of UNOCI and French forces, *demands* that all Ivorian parties cooperate fully in their operations, in particular by guaranteeing the safety, security and freedom of movement of their personnel, as well as associated personnel, throughout the territory of Côte d'Ivoire, and *affirms* that any obstacle to their freedom of movement or to the full implementation of their mandates would not be tolerated;

22. *Takes note of* paragraph 13 of the decision of the Peace and Security Council, *recalls* the statement of its President dated 14 October 2005 (S/PRST/2005/49) and its decisions under resolution 1609 (2005) of 24 June 2005, including paragraphs 4, 5 and 6, and *expresses* its intention to review the troop level of UNOCI by the end of UNOCI's mandate on 24 January 2006, in the light of the situation in Côte d'Ivoire;

23. *Recalls* paragraph 12 of the decision of the Peace and Security Council and its support for the individual measures provided for in paragraphs 9 and 11 of resolution 1572 (2004) of 15 November 2004, and *reaffirms* its readiness to impose those measures against any person who blocks the implementation of the peace process, as defined in particular by the road map mentioned in paragraph 13 above, who is determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire, who incites publicly hatred and violence, or against any person or entity who is determined to be in violation of the arms embargo;

24. *Urges* the International Working Group, which shall receive regular reports from the Mediation Group, and the sanctions committee established by resolution 1572 (2004) of 15 November 2004 to evaluate, monitor and follow up closely the progress made with regard to the issues mentioned in paragraphs 14 to 18 above;

25. *Decides* to remain actively seized of the matter.